

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MISSISSIPPI POWER COMPANY

PLAINTIFF

VERSUS

CAUSE NO. 2:15-cv-00050-KS-MTP

GAW MINERS, LLC

DEFENDANT

MOTION FOR DEFAULT JUDGMENT

COMES NOW Plaintiff, Mississippi Power Company (“MPC”), by and through its undersigned counsel of record, Balch & Bingham LLP, and applies for entry of default judgment against Defendant, GAW Miners, LLC (“Defendant”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. The motion is based on the Affidavit of counsel and the pleadings in this matter. Plaintiff states as follows:

I.

MPC filed its Complaint against Defendant, GAW Miners, LLC in this matter on April 8, 2015.

II.

Defendant, GAW Miners, LLC, was served with a copy of the Summons and Plaintiff’s Complaint by and through its agent, Lester Briney, who accepted service on its behalf on May 11, 2015.

III.

To date, Defendant, GAW Miners, LLC, has not filed a responsive pleading to Plaintiff’s Complaint and more than twenty-one (21) days allowed by Rule 12(1)(A)(i) of the Federal Rules of Civil Procedure have elapsed since the date on which said Defendant, GAW Miners, LLC, was served with the Complaint.

IV.

Defendant, GAW Miners, LLC, has failed to answer or otherwise defend as to Plaintiff's Complaint, or serve upon the undersigned attorney of record for Plaintiff a copy of any answer or other defense which it might have.

V.

Default judgment is appropriate and should be rendered against Defendant, GAW Miners, LLC.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Mississippi Power Company, moves this Court to enter Default Judgment against Defendant, GAW Miners, LLC, in the above-entitled action for its failure to plead, answer or otherwise defend.

Respectfully submitted, this the 17th day of June, 2015.

MISSISSIPPI POWER COMPANY

BY: BALCH & BINGHAM LLP

BY: /s/ Matthew W. McDade
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the ECF system.

This the 17th day of June, 2015.

/s/ Matthew W. McDade

Matthew W. McDade